

No. 99-2695

PER CURIAM.

Kenneth Ray Benton/Pitts (Pitts), an Arkansas inmate, brought a 42 U.S.C. § 1983 (Supp. III 1997) action against several correctional officers and prison officials at the Varner Unit of the Arkansas Department of Correction. Pitts alleged that his medical classification had been wrongfully changed from M-2 to M-1, his medical records had been tampered with, and he had been improperly assigned to the hoe squad despite his blood pressure problems and poor eyesight. At an evidentiary hearing, Pitts testified that he had been diagnosed five years earlier with high blood pressure and that his eyes had been bothering him for a few years; he also acknowledged that he had been classified as M-2 with no restrictions since July 1994. After the hearing, the District Court¹ dismissed his complaint. Pitts appeals, arguing that he showed a serious medical need, and it should have been ascertained whether appellees were deliberately indifferent by classifying him as M-2, instead of M-3, and assigning him to the hoe squad.

Prison officials are deliberately indifferent in the work-assignment context if they knowingly compel an inmate to perform physical labor that is dangerous to his health, is unduly painful, or requires strength beyond his capacity. See Choate v. Lockhart, 7 F.3d 1370, 1374 (8th Cir. 1993). The responses to Pitts's grievance in this matter indicate that by the time his grievance was reviewed—eight days after it was filed and eleven days after he had been assigned to the hoe squad—Pitts had already been reassigned from the hoe squad, and that his brief assignment to the hoe squad was consistent with his M-2 classification, which classification was supported by his medical records. Moreover, Pitts did not contend that he was harmed by the hoe-squad assignment. Thus, the record shows that Pitts's request for a reevaluation of his work assignment was not disregarded, and his grievance about the alleged change in his medical classification was determined to be unfounded. Although he asserted at the

¹The Honorable H. David Young, United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c) (1994 & Supp. III 1997).

hearing and now asserts on appeal that he should be classified as M-3, the record shows he had been classified as M-2 since 1994 and his allegedly serious medical conditions—blood pressure and eye problems—were not new. We therefore conclude that Pitts presented insufficient proof from which a reasonable jury could find deliberate indifference to his health. Cf. Williams v. Norris, 148 F.3d 983, 987 (8th Cir. 1998) (where inmate’s work assignment was contrary to his known restrictions and where prison officials ignored his requests for reevaluation of his assignment and classification, court properly found Eighth Amendment violation). Accordingly, the judgment of the District Court dismissing Pitts’s complaint is affirmed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.